HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 5879 of 2005

Petitioner		Ku. Ritu Nishad D/o Shri S. R. Nishad, aged about 11 years, Caste-Kewat, Resident of Village and Bhairamgarh, Tahsil Bijapur, District- Dantewada (C.G.), Minor through her father and natural guardian, Shri S. R. Nishad, Son of Late Shri Mangluram, aged about 37 years, Resident of Village & Bhairamgarh, Tahsil – Bijapur, District- Dantewada (C.G.).
	Versus	
Respondents	1.	The Union of India, Through, the Secretary, Department of Human Resources Development, New Delhi
	2.	The Jawahar Navodaya Vidyalaya, Barsoor, District- Dantewada (C.G.), Through The Principal, Jawahar Navodaya Vidyalaya, Barsoor, District- Dantewada (C.G.).
	3.	The Collector/President, Committee for Special Entrance Examination, Jawahar Navodaya Vidyalaya, Barsoor, District- Dantewada (C.G.).

Single Bench : Hon'ble Mr. Justice **S. R. Nayak, C.J.**

Mr. P. P. Sahu, Advocate for the petitioner.

ORAL ORDER

(9th December, 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. The petitioner belongs to O.B.C. category. She applied for admission into the second respondent Vidyalaya. The second respondent initially treating the applicant as belonging to the S.C. category selected her for admission and in that regard, it appears, a communication was sent to the petitioner. When the petitioner appeared before the second respondent for admission, she was told that she was wrongly treated as a candidate belonging to S.C. and was selected and since she

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actually belongs to the O.B.C. category, she could not be given admission. It appears that thereafterwards, the petitioner made a representation to the second respondent and her representation has been forwarded to the Central Office of the Jawahar Navodaya Vidyalayas. When the matter stood thus, this writ petition was filed for a direction to the respondents to give her admission.

2. I heard learned counsel for the petitioner. The facts which are not in controversy are as follows. The petitioner belongs to O.B.C. category. She was wrongly selected for admission treating her as a candidate belonging to S.C. category. The second respondent when realized the mistake committed by it refused to admit the petitioner. Since it is not the case of the petitioner that any candidate belonging to O.B.C. category who has secured less percentage of marks than the petitioner has been admitted, there is no scope even to apply Article 14 postulates. Undeniably, the right to correct its wrong decision cannot be denied to the second respondent simply because, the second respondent treating the petitioner as a candidate belonging to S.C. initially selected her for admission. That fact itself cannot vest in the petitioner any enforceable right to the petitioner to seek admission into the second respondent educational institution.

3. No ground is made out for entertaining this writ petition. The writ petition is, therefore, dismissed.

Sd/-
Chief Justice

akur